

IOWA DISTRICT COURT, FIRST JUDICIAL DISTRICT

PROCEDURES AND DIRECTIONS FOR THE CLERK CONCERNING EXPUNGEMENT OF DEFERRED JUDGMENTS DISCHARGED FROM PROBATION ON OR BEFORE JULY 1, 2012	Order
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Iowa House File 2379 (2012) amended Iowa Code Section 907.9 relating to the expungement of deferred judgments. Because of the sheer number of cases statewide affected by this amendment to the statute, the Iowa Judicial Council has determined that a uniform practice should be adopted by clerks of court to expunge these previously-discharged deferred judgments. This Order is necessary to provide for efficiency in the process and for uniformity across the state. The provisions of this Order only relate to those cases where an Order has not already been entered to discharge the defendant from the deferred judgment probation.

IT IS THEREFORE ORDERED that the clerk of court in each of the counties of this judicial district shall follow the following process and procedure to expunge deferred judgments that should have discharged on or before July 1, 2012, by operation of law:

I. The clerk shall show the probation is discharged and the deferred judgment expunged for all cases that meet all of the following criteria:

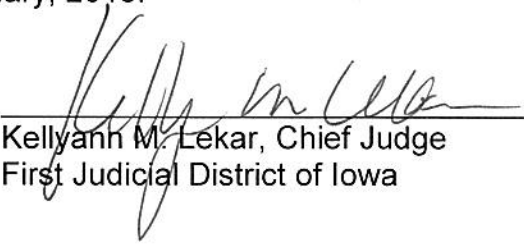
1. For misdemeanors, the deferred judgment was granted on or before July 1, 2010; and for felonies, the deferred judgment was granted on or before July 1, 2007.

2. As of the date the clerk reviews the file, there is not a pending probation violation complaint, contempt action, or active warrant for the defendant's arrest arising out of the count on which the deferred judgment was granted.
3. If the defendant was placed on supervised probation, the supervision fee owed to the Department of Correctional Services has been paid.

II. For any cases that have met criterion Number 1 above but not criterion Number 2 or 3, the clerk shall submit the file to a judge for review. The judge shall determine if an Order discharging the defendant from probation and expunging the deferred judgment should be entered.

III. Any court debt owed pursuant to Iowa Code Section 602.8107 by the defendant in a case expunged by way of this Order shall be subject to collection by the CCU, County Attorney, or private collection agency authorized to do so by the State Court Administrator's Office.

Dated this 4th day of February, 2013.



Kellyann M. Lekar, Chief Judge
First Judicial District of Iowa